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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/116,124 07/15/98 NISHINA

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020999

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NEW YORK NY 10151

EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/116,124

Applicant(s)

NISHINA ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Applicant's arguments filed March 28, 2001 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argued that Shiga "does not disclose separate transmission of electronic program guide data and data concerning the display of the electronic program guide...".

In response, the Examiner respectfully disagrees because in Fig.1 the "Program control device" 308 couples (control data concerning display information of EPG such as Fig.8, 9 and 10) to the "EPG data generating device" 309 and the "Program control device" 308 also controls "Switcher" 301 to couple EPGs ' received from plurality of Television stations NHK, NTV, TBS, FUJI, TV ASAHI, TV TOKIO and WOWOW to "EPG data generating device" 309. Therefore, it's clearly that Shiga discloses separate transmission of electronic program guide data and data concerning the display of the electronic program guide.

### DETAILED ACTION

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1-15 rejected under 35 U.S.C. 102(e) as being unpatentable by Shiga et al. (US 6005562).

Regarding claim 1, Shiga discloses a transmitter system for transmitting program related information (EPG data) relating to program Information (EPG)(see Fig.1)

Generating means for generating the program related (see Fig.1, "Controls Switcher 301 couples EPGs ' data received from plurality of Television stations (NHK, NTV, TBS, FUJI, TV ASAHI, TV TOKIO and WOWOW) to EPG data generating device 309") and display related information (Fig.1 , "Program control device 308 couples to the EPG data generating device 309 with control data to display EPG at receivers) relating to displaying the program related information; and

Transmitting means for transmitting the program related information and the display related information separately (In Fig.1 the "Program control device" 308 couples (control data) to the "EPG data generating device" 309 and the "Program control device" 308 also controls "Switcher" 301 to couple to "EPG data generating device" 309);

Said generating means composing the program related information (EPG data) and the display related information (Control data) of a first part "the leading 10 bytes, the original\_network\_id(2) and last\_table\_id(1)" including identification information (last\_table\_id) for identifying the program related information and display related information, and a second part (event descriptors loop [0..N]) composed of actual data (Col.13, lines 54-Col.14, lines 27).

Regarding claim 2, Shiga further discloses each "event descriptors loop" corresponds to a part claimed in which correspond to the same data structure of each event (see claim 1 analysis).

Regarding claims 4, 5, 6, 7 and 12, Shiga discloses a receiver for recovering the program and EPG data transmitted over the broadcast channel to which a tuner is tuned. Although not specifically disclosing the receiver receiving the program related information and display related information relating to displaying the program related information; generating fourth information for displaying the program related information based on the program related information and the display related information;

First separating the program related and the display related information into a first part containing identification for identifying the program related information and the display related information, and a second part composed of actual data; second separating the second part into a third part comprising identification information for identifying the second part and a fourth part composed of actual data; retrieving data of the second part and the fourth part of the program related information and the display related information based on the identification information;

Updating the second part and the fourth part of the program related information and the display related information based on the identification information;

Display control means for displaying a first windows on a predetermined screen and displaying data of fourth part within the first windows as claimed in claim 4-7.

Shiga receiver (Fig.23) must identify each stream of data so the receiver could recovers the program and EPG data transmitted. The MPEG streams are received and separated by the de-multiplexer, stored in corresponding memory buffer of the receiver so that the CPU of the receiver could read out from the buffer memory the corresponding video and audio data and process them along with any control information received by users to display EPG and information on the appropriate location of the TV display as shown in Fig. 7, 8, 9 and 10 (also see Col.21, lines 60 - Col.23, lines 3). Clearly the MPEG stream would have information concerning the layout of the EPG received therein (Col.20, lines 8-20), thus meeting the limitation of claims 4-7 and 12.

Regarding method claim 8, see analysis of apparatus claim 1-3.

Regarding method claims 9 and 13 see analysis of apparatus claims 4-7 and 12.

Regarding claims 10-11 and 14, see analysis of claim 1-3.

Regarding claim 15, Shiga further discloses wherein the first window is composed of one or more boxes and the box is composed of one or more cells (Fig.5, 6, 7, 8, 9 and 10) (Col.9, lines 3-47).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2611

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or Faxed to:**

(703) 872-9314, (for formal communication intended for entry)

**or:**

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


**Contact Information**

**Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

HT:ht  
06/01/01

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
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